

REMARKS/ARGUMENTS

This case has been carefully reviewed and analyzed in view of the Official Action dated 22 September 2005. Responsive to the objections and rejections made in the Official Action, Claims 1, 3 and 5 – 7 have been amended to clarify the language thereof and the combination of elements which form the invention of the subject Patent Application. Additionally, Claim 4 has been canceled by this Amendment.

In the Official Action, the Examiner objected to Claim 1 due to an informality therein. The Examiner kindly noted multiple periods being in the claim. Accordingly, Claim 1 has been amended to remove the paragraph notation which included the additional periods.

In the Official Action, the Examiner rejected Claim 4 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the Specification in such a way as to how “polystyrene” performs the function “to increase intensity of polarized light”.

Claim 4 has been cancelled by this Amendment to thereby obviate the rejection.

In the Official Action, the Examiner rejected Claims 1 and 2 under 35 U.S.C. § 102(e), as being anticipated by Suzuki et al., U.S. Patent No. 5,822,063. Claims 3, 4 and 6 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Suzuki et al. in view of Yamamoto et al., U.S. Patent No. 6,613,433.

However, the Examiner kindly indicated that Claims 5, 7 and 8 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claims 5 and 7 have been amended to place those claims in independent form, including all the limitations of the base claim, Claim 1, and the respective intervening claims. Therefore, it is now believed that Claims 5 and 7 should be allowable.

Before discussing the prior art relied upon by the Examiner, it is believed beneficial to briefly review the structure of the invention of the subject Patent Application, as now defined in Claim 1. The invention of the subject Patent Application is directed to a testing method for an optical layer of a polarizing plate. The method includes the steps of selecting an optical source and fixing a sample plate with an optical layer to be tested. The method further includes the step of polarizing a light beam from the selected optical source and projecting the polarized light beam through the sample plate. Next, a position of the sample plate is adjusted to focus an image from the sample plate. Still further, the method includes the step of rotating the sample plate to observe if there are any contrast variations in the image. The method of the invention of the subject Patent Application is applied early in the manufacturing process of a polarizing plate in order to test for the uniformity of an optical coating layer. Therefore, in order to avoid confusion between the polarizing plate which is utilized to provide polarized

light for the test, and the sample which is being tested, which when it completes the manufacturing process is a polarizing plate, the claims now refer to “sample plate” so as to distinguish it from the element which provides polarized light.

In contradistinction to the method of the invention of the subject Patent Application, the Suzuki et al. reference is directed to an apparatus for measuring magneto optical affect. In the referenced system, monochromatic light is directed through a polarizer 150 followed by a photo-elastic modulator 152 for modulating the light from linear polarization into circularly polarized light. The modulated light beam is directed onto a sample which is fixed in position and reflected from the sample through a second polarizer 156, a concave reflecting mirror 158 and photo sensors 162 and 160.

Nowhere does the reference disclose or suggest projecting the polarized light beam through the sample plate, as now claimed. Further, nowhere does the reference disclose or suggest rotating the sample plate to observe if there are any contrast variation in the image. The Examiner’s suggestion that “rotating/adjusting the polarizing plate (156) to see if there are any contrast variation in the image” as being inherent in the reference system has nothing to do with rotating the sample plate carried out in the method of the invention of the subject Patent Application.


Therefore, as the reference fails to disclose each and every one of the elements of the invention of the subject Patent Application, as now claimed, it cannot anticipate that invention.

With respect to the subject matter of Claims 3 and 6, the Examiner has taken official notice that the use of a mirror to focus incident light onto a concave lens would have been well known and therefore obvious to incorporate into the invention of the subject Patent Application, is hereby traversed. It is respectfully submitted that while mirrors are well known devices for reflecting light beams and it is quite likely that applications exist wherein mirrors are utilized to direct light beams onto concave lenses, such does not in itself provide motivation for use in the invention of the subject patent Application. If the Examiner is aware of applications wherein such elements are utilized to form a diverging light beam that is then passed through a sample, then the Examiner should so state. Accordingly, it is hereby requested that the Examiner set forth those facts within the Examiner's personal knowledge and any support therefore in the form of an affidavit so that the Applicant will have an opportunity to present affidavits to contradict or explain Applicants' position, as required under 37 C.F.R. 1.104(d)(2).

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Responsive to Office Action dated 22 September 2005

It is now believed that the subject Patent Application has been placed in
condition for allowance, and such action is respectfully requested.

Respectfully submitted,
For: ROSENBERG, KLEIN & LEE

A handwritten signature in cursive script, reading "David I. Klein".

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